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CENTRAL FAX CENTER**

OCT 20 2004

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 99-849-A)****In the Application of:****Odile Leroy****Serial No.: 09/423,698****Filing Date: February 10, 2000****For: Multivalent Vaccine Composition  
With Mixed Carrier****Examiner: P.A. Duffy****Group Art Unit: 1645****Confirmation No.: 7060****FACSIMILE TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Facsimile: 1-703-872-9306**  
**Total page(s): 8**

Dear Sir:

In regard to the above identified application,

## 1. We are transmitting herewith the attached:

- a) Petition for Refund of Fees; and
- b) Copy of PTO Charges.


## 2. With respect to fees:

- a) A fee is not required at this time.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. **CERTIFICATE OF FACSIMILE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being transmitted via facsimile (703-872-9306) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20, 2004.

Respectfully submitted,

Dated: October 20, 2004

  
Michael S. Greenfield  
Registration No. 37,142

McDonnell Boenno Hulbert & Berghoff  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
(312)913-0001

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OCT 20 2004

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Ref No.: 99-849-A)****In the Application of:****Odile Leroy****Serial No. 09/423,698****Filed: February 10, 2000****For: Multivalent Vaccine Composition  
With Mixed Carrier****Group Art Unit: 1645****Examiner: P.A. Duffy****Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450****PETITION FOR REFUND OF FEES****Dear Sir:**

Applicants respectfully submit this Petition for Refund of Fees for reimbursement of erroneous charges. On August 20, 2004, the Patent Office charged a total of \$950.00 to Deposit Account No. 13-2490 for a large entity Extension for Response within Third Month (fee code 1253) related to the above referenced patent application. On August 25, 2004, the Patent Office again charged a total of \$950.00 to Deposit Account No. 13-2490 for a large entity Extension for Response within Third Month (fee code 1253) related to the above referenced patent application. The total charges levied in August related to this application are therefore \$1900.00. A copy of the Deposit Account statement is attached herewith in accordance with 37 C.F.R. § 1.26(b); for the convenience of the Office, Applicants have highlighted the relevant portions of the statement.

Applicants respectfully submit that the Office was in error in imposing these charges, noting

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**Serial No. 09/423,698**  
**Attorney Docket No. 99-849-A**

that a fee of only \$440.00 should have been charged. On August 16, Applicants submitted to the Office, by facsimile, a Petition for a 1 Month Extension of Time and a Notice of Appeal. Applicants authorized a fee of \$440.00 to be charged to Deposit Account 13-2490, and included a general authorization to charge any underpayment or credit any overpayment to Deposit Account 13-2490. The specific \$440.00 charge authorized by Applicants included the \$110.00 fee for a Petition for a 1 Month Extension of Time (large entity) and \$330.00 fee for the Notice of Appeal (large entity).

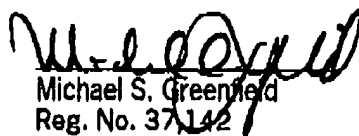
Applicants respectfully submit that \$440.00 is the correct charge, and that no additional charges should have been levied. At the time of filing the Notice of Appeal, the appropriate fee under 37 C.F.R. §41.20(b)(1) was \$330.00. With regard to the extension of time fees, Applicants note that their response to the final Office Action (mailed on February 18, 2004), was transmitted by facsimile on April 19, 2004, two months after the date of mailing the Office Action (note: April 18, 2004, fell on a Sunday). In answer to Applicant's Response, an Advisory Action was mailed on July 14, 2004. The Advisory Action was mailed after the 3-month period following the mailing of the final Office Action, thus resetting the original shortened statutory period to expire on the mailing date of the Advisory Action (see MPEP 706.07(f)(II)). As noted in the Advisory Action, in such situations extension fees under 37 CFR §1.17(a) are appropriately calculated the date of mailing of the Advisory Action. Applicants filed a Notice of Appeal within one month of the mailing of the Advisory Action (specifically, on August 16; August 14 was a Saturday). Thus \$110.00 is the correct extension of time fee (1 month large entity fee). In summary, Deposit Account 13-2490 should only have been charged a total fee of \$440.00.

Applicants submit that based on the above, the Patent Office erroneously charged an excess of \$1460.00 to Deposit Account No. 13-2490. Applicants respectfully request the Commissioner to credit **Deposit Account No. 13-2490** in the amount of **\$1460.00**.

Should Patent Office personnel believe that a discussion regarding this application would be helpful, they are invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

Dated: 10-20-04



Michael S. Greenfield

Reg. No. 37,142

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**PTO CHARGES**  
**08/11/04 - 08/20/04**

DATE	DOCKET NBR.	CASE	C/M	AMOUNT
8/17/2004	10489498	04-126	995/59	40.00
		<b>04-126 Total</b>		40.00
8/13/2004	10916312	04-269	1120/8	385.00
8/13/2004	10916312	04-269	1120/8	189.00
8/13/2004	10916312	04-269	1120/8	43.00
8/18/2004	10916312	04-269	1120/8	40.00
		<b>04-269 Total</b>		657.00
8/18/2004	10879867	04-536	663/1340	385.00
8/18/2004	10879867	04-536	663/1340	135.00
8/18/2004	10879867	04-536	663/1340	65.00
		<b>04-536 Total</b>		585.00
8/12/2004	9934358	90-1092-BBB	99/228	9.00
		<b>90-1092-BBB Total</b>		9.00
8/20/2004	9290034	92-448-H	99/174	475.00
		<b>92-448-H Total</b>		475.00
8/16/2004	60601046	98-365-B1-P	1020/281	80.00
		<b>98-365-B1-P Total</b>		80.00
8/20/2004	9423698	99-849-A	532/16	950.00
		<b>99-849-A Total</b>		950.00
<b>Grand Total</b>				<b>13,787.00</b>

**Unidentified**

8/12/2004	10915004	SJO92004008US1	770.00
8/12/2004	10915004	SJO92004008US1	258.00
8/12/2004	10915004	SJO92004008US1	180.00
<b>Total</b>			<b>1,208.00</b>

08/11 173	10412793	02-412	1251	\$110.00	\$33,465.50
08/11 495	PCT/US04/25543	03-748-A	1703	\$110.00	\$33,355.50
08/11 497	PCT/US04/25543	03-748-A	8007	\$20.00	\$33,335.50
08/12 27	10915002	02-042-A	2201	\$43.00	\$33,292.50
08/12 32	10915004	SJO82004008US1	1001	\$770.00	\$32,522.50
08/12 33	10915004	SJO92004008US1	1201	\$258.00	\$32,264.50
08/12 34	10915004	SJO92004008US1	1202	\$180.00	\$32,084.50
08/12 41	09934358	90,1082-BBB	8001	\$9.00	\$32,075.50
08/12 165	PCT/US04/25589	03-764-A	1601	\$300.00	\$31,775.50
08/12 166	PCT/US04/25589	03-764-A	1704	\$1,920.00	\$29,855.50
08/12 167	PCT/US04/25589	03-764-A	1702	\$1,134.00	\$28,721.50
08/12 168	PCT/US04/25589	03-764-A	1703	\$2,124.00	\$28,597.50
08/12 169	PCT/US04/25589	03-764-A	8007	\$180.00	\$28,417.50
08/13 1	10208400	H0003490	1202	\$18.00	\$28,399.50
08/13 2	10208400	H0003490	1201	\$86.00	\$28,313.50
08/13 5	10769913	H0004488-1600	1051	\$130.00	\$28,183.50
08/13 6	10769913	H0004488-1600	1251	\$110.00	\$28,073.50
08/13 6	PAYMENT		9203	-\$3,838.00	\$29,911.50
08/13 15	10916312	04-269	2001	\$385.00	\$29,526.50
08/13 16	10916312	04-269	2202	\$189.00	\$29,337.50
08/13 17	10916312	04-269	2201	\$43.00	\$29,294.50
08/13 32	PAYMENT		9203	-\$3,838.00	\$33,132.50
08/13 114	10192424	02-154-A	1801	\$770.00	\$32,362.50
08/13 115	10192424	02-154-A	1808	\$180.00	\$32,182.50
08/16 3	09988630	01-374	1201	\$258.00	\$31,924.50
08/16 8	PAYMENT		9203	\$3,838.00	\$28,086.50
08/16 16	09987821	00,1243-A	1808	\$180.00	\$27,906.50
08/16 38	PCT/US04/25899	02-1037-A	1702	\$1,090.00	\$26,816.50
08/16 40	PCT/US04/25899	02-1037-A	1703	\$24.00	\$26,792.50
08/16 41	PCT/US04/25899	02-1037-A	8007	\$20.00	\$26,772.50
08/16 166	80801046	98,385-B1-P	2005	\$80.00	\$26,692.50
08/16 425	PCT/US04/25778	02-042-B	1702	\$538.00	\$26,154.50
08/16 427	PCT/US04/25778	02-042-B	1703	\$578.00	\$25,576.50
08/16 428	PCT/US04/25778	02-042-B	8007	\$20.00	\$25,556.50
08/17 60	10382270		1808	\$180.00	\$25,376.50
08/17 84	10489487	04-126	8021	\$40.00	\$25,336.50
08/18 2	10867961	031101	2202	-\$18.00	\$25,356.50
08/18 4	10412793		1201	\$86.00	\$25,270.50
08/18 4	10867961	031101	2203	-\$145.00	\$25,415.50
08/18 15	10879867		2001	\$385.00	\$25,030.50
08/18 16	10879867		2202	\$135.00	\$24,895.50
08/18 17	10879867		2051	\$65.00	\$24,830.50
08/18 71	10918721	03-782-A	1001	\$770.00	\$24,060.50
08/18 72	10918721	03-782-A	1202	\$36.00	\$24,024.50
08/18 149	10916312	04-269	8021	\$40.00	\$23,984.50
08/19 104	10367349	02-726-C20	1251	\$110.00	\$23,874.50
08/20 4	08423698	99849-A	1253	\$950.00	\$22,924.50
08/20 6	PCT/US02/09100		9204	-\$216.00	\$23,140.50

**PTO CHARGES**  
**08/21/04 - 08/31/04**

DATE	DOCKET NBR.	CASE	C/M	AMOUNT	Prepymt
8/24/2004	10369986	99-388-A Total		1,720.00	
		99-812-C	411/176	210.00	
8/25/2004	9423698	99-812-C Total		210.00	
		99-848-A	632/16	960.00	
8/27/2004	EP TRANSFER	99-848-A Total		960.00	
			1600	(6,233.00)	8233.00
<b>Grand Total</b>				<b>17,978.00</b>	<b>30305.00</b>

Unidentified

8/27/2004	5898801			25.00	
<b>Total</b>				<b>25.00</b>	

MBHB

08/20 12	10877750	03-666-E	2202	\$27.00	\$23,113.50
08/20 63	09290034	92,448-H	2253	\$475.00	\$22,638.50
08/23 10	10921677	04-544	1001	\$770.00	\$21,888.50
08/23 11	10921677	04-544	1202	\$1,008.00	\$20,860.50
08/23 12	10921677	04-544	1201	\$172.00	\$20,688.50
08/23 40	60602833	04-658	2005	\$80.00	\$20,608.50
08/24 7	PAYMENT		9203	-\$30,305.00	\$50,913.50
08/24 9	10922728	03-398	1001	\$770.00	\$50,143.50
08/24 10	10922728	03-398	1202	\$756.00	\$49,387.50
08/24 11	10922728	03-398	1201	\$430.00	\$48,957.50
08/24 17	10369986	99,812-C	2252	\$210.00	\$48,747.50
08/24 31	10816719	A11-28455US	1051	\$130.00	\$48,617.50
08/24 55	08468873	97,223-D	1251	\$110.00	\$48,507.50
08/24 58	PCT/US04/22900		1601	\$300.00	\$48,207.50
08/24 59	PCT/US04/22900		1602	\$1,000.00	\$47,207.50
08/24 60	PCT/US04/22900		1702	\$1,134.00	\$46,073.50
08/24 61	PCT/US04/22900		1703	\$228.00	\$45,845.50
08/24 177	09913244	01-1065	1604	\$270.00	\$45,575.50
08/24 179	09913244	01-1065	8001	\$30.00	\$45,545.50
08/24 943	78168437	98,460-A	7004	\$300.00	\$45,245.50
08/25 21	08423698	99848-A	1263	\$860.00	\$44,385.50
08/25 61	10923330	02-708-C(400/209)	2202	\$18.00	\$44,277.50
08/25 95	10923522	MBHB03-026-B (400/182)	2001	\$385.00	\$43,892.50
08/25 96	10923522	MBHB03-026-B (400/182)	2202	\$135.00	\$43,757.50
08/25 101	10768403	04-279-E	8021	\$40.00	\$43,717.50
08/25 144	10923476	MBHB01-1158-B (400/231)	2001	\$385.00	\$43,332.50
08/25 145	10923476	MBHB01-1158-B (400/231)	2202	\$135.00	\$43,197.50
08/25 354	PCT/US04/26930	MBHB00-878-J	1601	\$300.00	\$42,897.50
08/25 355	PCT/US04/26930	MBHB00-878-J	1704	\$1,920.00	\$40,977.50
08/25 356	PCT/US04/26930	MBHB00-878-J	1702	\$1,134.00	\$39,843.50
08/25 357	PCT/US04/26930	MBHB00-878-J	1703	\$2,172.00	\$37,671.50
08/25 358	PCT/US04/26930	MBHB00-878-J	8007	\$180.00	\$37,491.50
08/26 6	76300539		8004	\$150.00	\$37,341.50
08/26 9	09976801	00-713-I16	2202	\$99.00	\$37,242.50
08/26 10	09976801	00-713-I16	2203	\$145.00	\$37,097.50
08/26 68	10360274	97,017-G5-CO	2252	\$210.00	\$36,887.50
08/26 73	10213701	00-1128-A-CO	2814	\$55.00	\$36,832.50
08/26 74	10213701	00-1128-A-CO	1806	\$180.00	\$36,652.50
08/26 74	10924372	02-1039-A1	1001	\$770.00	\$35,882.50
08/26 75	10924372	02-1039-A1	1201	\$2,666.00	\$33,216.50
08/26 76	10924372	02-1039-A1	1202	\$612.00	\$32,604.50
08/26 77	10924372	02-1039-A1	1203	\$290.00	\$32,314.50
08/26 78	10676871	02-1039-A	1253	\$950.00	\$31,364.50
08/26 121	0144990637	GWEN BENOY	8014	\$25.00	\$31,339.50
08/26 175	10921677	04-544	8021	\$40.00	\$31,299.50
08/26 339	PCT/US04/27333	MBHB01-1158-C	1601	\$300.00	\$30,999.50
08/26 340	PCT/US04/27333	MBHB01-1158-C	1704	\$1,920.00	\$29,079.50
08/26 341	PCT/US04/27333	MBHB01-1158-C	1702	\$1,134.00	\$27,945.50